THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12643 of 2007

Dated: 22-06-2007

Between:

Mohd. Mujtaba.

..... PETITIONER

AND

The Joint Collector, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12643 of 2007

ORDER:

The petitioner is allegedly in occupation of the Government land admeasuring 413 sq. yards in T.S.No.13, Ward No.2, Hakeempet Village, Shaikpet Mandal, Hyderabad. He alleges that he constructed a house. After the Government issued orders in G.O.Ms.No.508 dated 20.10.1995 for regularizing the illegal occupations, the petitioner submitted an application. He statedly paid an amount calculated at Rs.1,200/- per sq. yard as advised by the District Collector. In the meanwhile, respondents

2 to 4, who are the petitioner's brothers, appears to have filed an objection petition before first respondent, who called the petitioner to file his reply to the objections. Accordingly the petitioner submitted reply, *inter alia,* stating that his brothers had no right. The petitioner also filed a suit, being O.S.No.5297 of 2005 on the file of the Court of VI Junior Civil Judge, City Civil Court, Hyderabad, for perpetual injunction against respondents 2 to 4 and obtained *ad interim* injunction, which is still in force. While the suit is pending, first respondent passed impugned order dated 16.02.2007 to the effect that the case of the petitioner for regularization has been kept in abeyance till the disposal of the suit. Aggrieved by the same instant writ petition is filed.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-T), this Court has not found any infirmity or illegality in the decision taken by first respondent. Indeed he stated that by G.O.Ms.No.508, the Government prohibited consideration of request for regularization when there is a case pending either under the provisions of the Andhra Pradesh Land Encroachment Act, 1905, or the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, or the dispute is between the person and the Government. In this case, when respondents 2 to 4 also put up a rival claim for regularization, it was certainly a proper decision for the Collector to keep the matter in abeyance. If the petitioner is so advised, he may withdraw the suit and approach first respondent for regularization.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

22nd June, 2007
Note: Issue CC in one week.
B/o
ghn